

REMARKS

This amendment is responsive to the office action dated June 13, 2007. Claims 17-48 stand rejected. Claims 17, 18 and 33 are amended and claims 30 and 46 are canceled without prejudice. Reconsideration of this application is respectfully requested for the reasons indicated here.

Rejections Under 112

In paragraph 2 of the final office action, claims 17-48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 17 recites "selectively routing the active buyer to another distinct vendor based on the request data in the event a first vendor does not fulfill a request." The Examiner believes that there is no description of such selective routing to another vendor after providing identified video and text to the active buyer. Claim 17 is amended to clarify that routing is between multiple vendors to fulfill a request. Support for this recitation that is claimed is for example, at page 9, paragraph 25 of the specification. Claim 33 similarly recites the above subject matter and is amended in a similar manner. The Examiner is respectfully requested to withdraw the rejection.

Rejections Under 103

In paragraph 5 of the office action, the Examiner rejected claims 17-29, 33-45 under 35 U.S.C. 103(a) as unpatentable over Smith (US 5,450,123) in view of Grady et al. (US 5,712,906, hereinafter "Grady").

The Examiner asserts that:

Smith discloses a method for selectively accomplishing electronic communication between members of plural groups, including at least one potential buyer (caller at video station 1) and at least one vendor (agent at station 2), at remote sites (stations are coupled via PSTN 3), via commercial transaction communication control system (see Figures 1 and 2), comprising the steps of:

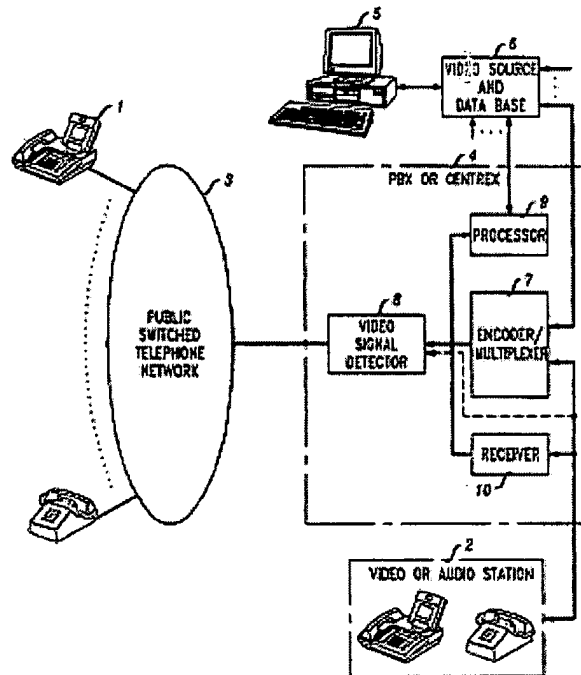
accessing said system (system can be accessed via computer 5; Figure 1);
receiving and storing dynamic video data from a vendor (vendor-supplied video images are stored in a video source and database 6, and a selected video image is provided to the caller; col. 2, lines 65-68; col. 5, line 1 - col. 6, line 14);
storing data associated with an active buyer including buyer identification data and commercial transaction data (service parameters stored in processor 9, 11 or 22 include a caller's telephone number (ANI) and account type; col. 4, lines 2-7; col. 5, lines 1-5, 19-22); and
selectively processing the commercial transaction data by first identifying select data and then providing the dynamic video and text to said active buyer (based on the caller's account type, an appropriate video message from video source 6 is provided to the caller; col. 5, lines 17-37; a video message can include text, col. 6, lines 45-49).

Smith differs from claims 17 and 33 in that it does not specify text communications between the vendor and buyer. However, Grady, from the same field of endeavor, teaches the desirability of providing text communications (email) between terminals (col. 11, lines 46-47) in addition to video and multimedia communication. It would have been obvious to an artisan of ordinary skill to provide for text communications, as taught by Grady, between the caller and agent stations of Smith in order to provide an additional means of communication.

The Examiner acknowledges that Smith differs from claims 17 and 33 in that it does not specify text communications between the vendor and the buyer. However, that void, the Examiner believes is easily filled by the teaching in Grady, which the Examiner asserts is from the same field of endeavor.

Respectfully, Smith is distinct from the claimed invention for other reasons as well. Smith teaches a system (see drawing below), which is directed to an arrangement for supplying audio and video signals from separate sources to a video telecommunications station.

This invention relates to an arrangement for supplying audio and video signals from separate sources to a video telecommunication station. In one embodiment, the audio is supplied, for example, by a stock broker or agent, while the video is supplied by a separate source controlled by the agent. Advantageously, pre-planned video from a common source, or video from a separate camera, can be supplied to a caller along with the audio message from the agent.



Smith does not teach a commercial transaction communication control system in the context of the claims. The Examiner argues that Smith is directed to "video/audio communication between a customer and a stockbroker." Applicant respectfully submits that Smith teaches video and audio from separate sources distinct from Applicant's system. Moreover, claims 17 and 33 now recite a limitation not met by Smith. Grady teaches a communications system supporting shared multimedia sessions. Note that Grady is directed to:

[a] public switched telephone network for providing information from a multimedia information server to any one of a plurality of subscriber premises, comprises a central office receiving multimedia information signals from a multimedia information server and orders from a prescribed subscriber. The central office includes a gateway system for conveying routing data in response to subscriber orders and a switch for routing multimedia signals from the server to the prescribed subscriber in accordance with the routing data. An interface at the central office transmits and receives audio telephone service signals, subscriber control signals and digital multimedia information signals on first, second and third signal channels. Each subscriber premises includes an interface for transmitting and receiving audio telephone service signals, subscriber control signals and digital multimedia information signals on the three signal channels. A plurality of

subscriber local loops interconnect each subscriber interface and the central office interface. Multimedia information is collected from information providers and stored at media servers that provide a library of data and control sessions. Software modules at the media servers and resident terminals enable interactive multimedia session building, sharing of databases and joint authoring of multimedia presentations.

Neither reference, alone, or in combination, teach the claimed steps of storing data associated with an active buyer, in a memory associated with the commercial transaction communication control system including buyer identification data and commercial transaction data that includes request data entered by the active buyer and selectively processing the commercial transaction data by first identifying select data including dynamic video and text data relating to one or more vendors and then providing the dynamic video and text to the active buyer responsive to said commercial transaction data and in some instances selectively routing the active buyer via multiple commercial transaction control systems to communicate with widely distributed vendors with capabilities to route calls between vendors to fulfill a request.

Regarding claims 18-19, 22-24, the Examiner asserts that Smith provides for a camera at each videophone station to provide direct, point-to-point video communication (col. 4, lines 24-28).

If not, the call is completed normally without providing special service (action block 312). (Of course, if both parties have video stations they may communicate over these video stations using the video service provided by those stations which is a direct, point-to-point video communication).

Regarding claims 20, 25, the Examiner asserts that in Smith, the video image can include a dynamic graph associated with the vendor's company (col. 6, lines 44-49).

FIG. 7 illustrates a request for a video signal while a call is in progress. For example, the stock broker and customer may have been discussing a particular company and the stock broker wants to display to the caller a dynamic graph illustrating earnings over the last ten years, and growth and shifts in industry outlook.

With respect to claims 18-19, 22-24 and 20, 25, they depend ultimately on claim 17 and incorporate the limitations of claim 17, which are distinguished above. Accordingly, these claims are also distinct at least for the reasons by which claim 17 is distinct.

Regarding claims 21, 33-41, Grady teaches the multi-media presentation as including still images and plain text (col. 1, lines 35-38; col. 5, lines 8-9).

The video image is limited to the input source at the origin of the audio, e.g., within camera range, and does not allow for a video source from another origin.

the calling and called parties are connected. Once the calling and called parties are connected, the called party determines by service code or real-time input...

Claim 21 is dependent on claim 17 and is distinct at least for the reasons by which claim 17 is distinct. Claims 33-41 recite limitations not met by Grady. Grady does not disclose the claimed steps of storing data associated with an active buyer, in a memory associated with the commercial transaction communication control system including buyer identification data and commercial transaction data that includes request data entered by the active buyer and selectively processing the commercial transaction data by first identifying select data including dynamic video and text data relating to the vendor and then providing the dynamic video and text to the active buyer responsive to said commercial transaction data and in some instances selectively routing the active buyer to another distinct vendor based on the request data in the event a first vendor does not fulfill a request. Claims 34-41 depend on claim 33 and are distinct at least for the reasons by which claim 33 is distinct.

Regarding claims 26, 42, Smith provides for real-time audio communication via videophone stations (col. 3, lines 5-19).

If station 2 is a video station (and it need not be in order to get many of the benefits of applicant's invention), video station 2 receives either the video and audio signal generated by video station 1, or the audio signal generated by video station 1, and a video signal from video source 6. PBX or Centrex 4 also contains a video signal detector 8 in order to allow the service implemented by applicant's invention to be invoked if the caller is calling from a video station. This video signal detector may be associated with

encoder 7, may be a separate circuit to detect the special characteristics of an audio/video signal, or may be responsive to a common channel signaling message (not shown) for informing the PBX or Centrex 4 that the call is a video/audio call.

Claims 26 and 42 depend on claim 17 and 33, respectively, each of which is distinct.

Accordingly, claims 26 and 42 are also distinct.

Regarding claims 27-29, 43-45, Smith provides for the caller entering a service code or real-time input to select a desired video source signal (col. 4, lines 45-48, 62-66; col. 5, lines 7-22).

The calling party answer step may be temporarily deferred to allow the caller to access the video source under his own control or to receive a preliminary video or audio/video signal prior to requesting a connection to an agent. In some cases, the connection to an agent may not be necessary.

In the case of audio/video, a video or video/audio logo or other informational video or video/audio signal can also be supplied under the control of the subscriber facilities using this invention.

Once the calling and called parties are connected, the called party determines by service code or real-time input, (for example, using a keypad entry) whether a prerecorded video is to be sent to the calling party (test 407). If not, then normal call handling (action block 314 of FIG. 3) continues. If a prerecorded video message is to be sent to the calling party either because the called party has so specified or because of a positive result of test 403 resulting from a delay in establishing a connection to the called party, then service parameters stored in processor 9 are used to determine the source of the video signal (action block 409). The service parameters, might, for example, refer to the type of the account of the caller, so that an appropriate video announcement can be returned.

Claims 27-29, 43-45 depend ultimately on claims 17 and 33, respectively, and are distinct at least for the reasons by which claims 17 and 33 are distinct.

In paragraph 6, claims 30-32 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Grady, as applied to claims 27 and 43 above, and further in view of Brown et al. (US 4,972,318, hereinafter "Brown"). Claims 30 and 46 are canceled, without prejudice. Moreover, claims 31 and 32 depend ultimately on claim 17 and claims 47 and

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48 depend ultimately on claim 46 and are distinct at least for the reasons by which the independent claims are distinct.

The Examiner is respectfully requested to reconsider the claims based on the legal reasoning and case law cited above as well as the amendments to the claims.

Respectfully submitted,

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